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Paper 20
Entered: June 17, 2019

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE, INC.,
Petitioner,

v.

UNILOC LUXEMBOURG, S.A.,
Patent Owner.

Case IPR2018-00394
Patent 6,622,018 B1

Before MIRIAM L. QUINN, CHARLES J. BOUDREAU, and GARTH D. BAER, *Administrative Patent Judges.*

BAER, *Administrative Patent Judge.*

FINAL WRITTEN DECISION

35 U.S.C. § 318(a) and 37 C.F.R. § 42.73

I. INTRODUCTION

Petitioner Apple Inc. filed a Petition (Paper 1, "Pet.") requesting *inter partes* review of claims 1–27 of U.S. Patent No. 6,622,018 B1 (Ex. 1001, "the '018 patent"). Pursuant to 35 U.S.C. § 314(a), we determined Petitioner showed a reasonable likelihood that it would prevail in establishing the unpatentability of all challenged claims and instituted an *inter partes* review. Paper 7, 25–26. Patent Owner Uniloc Luxembourg, S.A. filed a Response (Paper 10, "Resp."), and Petitioner filed a Reply to Patent Owner's Response (Paper 13, "Reply"). An oral hearing was held before the Board. Paper 19.

We issue this Final Written Decision pursuant to 35 U.S.C. § 318(a) and 37 C.F.R. § 42.73. Having considered the record before us and as explained below, we determine Petitioner has shown by a preponderance of the evidence that claims 1–27 of the '018 patent are unpatentable. *See* 35 U.S.C. § 316(e).

A. RELATED PROCEEDINGS

The parties assert that the '018 patent is involved in *Uniloc USA, Inc. v. Logitech, Inc.*, 3:17-cv-06733-JSC (N.D. Cal. 2017); *Uniloc USA, Inc. v. Wink Labs Inc.*, 1:17-cv-01656-GMS (D. Del. 2017); *Uniloc USA, Inc. v. Motorola Mobility, LLC*, 1:17-cv-01657-GMS (D. Del. 2017); *Uniloc USA, Inc. v. Peel Technologies, Inc.*, 1:17-cv-01552-UNA (D. Del. 2017); *Uniloc USA, Inc. v. Huawei Device USA, Inc.*, 2:17-cv-00707-JRG (E.D. Tex. 2017); *Uniloc USA, Inc. v. HTC America, Inc.*, 2:17-cv-01558-JLR (W.D. Wash. 2017); *Uniloc USA, Inc. v. LG Electronics U.S.A., Inc.* 4:17-cv-00825-O (N.D. Tex. 2017); *Uniloc USA, Inc. v. Apple, Inc.*, 2:17-cv-00470-

JRG (E.D. Tex. 2017); and concurrently filed IPR2018-00395. Pet. 2–3; Paper 4, 2.

B. THE '018 PATENT

The '018 patent is titled "Portable Device Control Console with Wireless Connection" and describes a system for controlling a remote device over a wireless connection. Ex. 1001, Abstract, 1:27–28. The '018 patent teaches that a portable computer system can control a variety of remote devices, including newly introduced devices. *Id*. at 3:2–4. To discover new devices, the portable computer system transmits a broadcast message to discover compliant devices within range. *Id*. at 8:33–41. Compliant devices receiving the broadcast message then reply to the portable computer system with a response. *Id*. at 8:42–44. After one or more devices are discovered, the portable computer system can transmit a command to a selected remote device based on the type of device and its capabilities. *Id*. at 8:56–61. The '018 patent explains that a user can control a remote device by either touching a rendering on the computer system's display or by using an input device such as a stroke or character recognition pad that can register stylus movements on the portable computer system. *Id*. at 6:20–22, 6:67–7:9, 9:25–50.

C. ILLUSTRATIVE CLAIM

Of the challenged claims, claims 1, 11, and 21 are independent. Independent claim 1 (reproduced below) is representative.

> 1. A method for controlling a remote devices over a wireless connection, said method comprising:
>
> a) establishing said wireless connection between a transceiver and said remote device by:
>
> broadcasting a message, said message for locating remote devices within range of said transceiver; and
>
> receiving a response from said remote device;
>
> b) manifesting said remote device on a display device;
>
> c) registering a position where contact is made with a surface of an input device, wherein a particular position on said input device is translated into a particular command for controlling said remote device; and
>
> d) transmitting a command to said remote device over said wireless connection.

Ex. 1001, 12:7–20.

D. Asserted Grounds of Unpatentability

Petitioner asserts the following grounds of unpatentability:

References	Basis	Challenged Claim(s)
Ben-Ze'ev[1] and Idiot's Guide[2]	§ 103(a)	1–7, 9, and 10
Ben-Ze'ev, Idiot's Guide, and Dara-Abrams[3]	§ 103(a)	8
Ben-Ze'ev, Idiot's Guide, and Osterhout[4]	§ 103(a)	11–17, 19–25, and 27
Ben-Ze'ev, Idiot's Guide, Osterhout, and Dara-Abrams	§ 103(a)	18 and 26

Pet. 12.

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[1] U.S. Patent No. 6,791,467 B1 (Sept. 14, 2004) (Ex. 1007, "Ben-Ze'ev").
[2] Preston Gralla, The Complete Idiot's Guide to PalmPilot and Palm III (1999) (Ex. 1008, "Idiot's Guide").
[3] U.S. Patent No. 6,456,892 B1 (Sept. 24, 2002) (Ex. 1010, "Dara-Abrams").
[4] U.S. Patent No. 7,149,506 B2 (Dec. 12, 2006) (Ex. 1011, "Osterhout").

II. ANALYSIS

A. CLAIM CONSTRUCTION

The '018 patent has not expired, and the Petition was filed before November 13, 2018. Therefore, we interpret terms of the challenged claims according to their broadest reasonable interpretation in light of the specification. *See* 37 C.F.R. § 42.100(b) (2017).[5] Unless the record shows otherwise, we presume a claim term carries its "ordinary and customary meaning," which is "the meaning that the term would have to a person of ordinary skill in the art in question" at the time of the invention. *In re Translogic Tech., Inc.*, 504 F.3d 1249, 1257 (Fed. Cir. 2007).

Petitioner asserts that "[t]he plain and ordinary meaning of 'broadcasting a message' . . . is transmitting the message to all recipients in range." Reply 2–3 (citing Ex. 1003, 54–55). Patent Owner does not set forth a different construction and appears to adopt the same general understanding for "broadcasting." *See* Resp. 9 (asserting that "[a] 'broadcast message' as required by the claims is a message sent to every device at once"). We agree with Petitioner that in the context of the '018 patent, "broadcasting a message" means transmitting a message to all recipients in range.

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[5] *See also* Changes to the Claim Construction Standard for Interpreting Claims in Trial Proceedings Before the Patent Trial and Appeal Board, 83 Fed. Reg. 51,340, 51,344 (Oct. 11, 2018) ("The Office will continue to apply the BRI standard for construing unexpired patent claims . . . in AIA proceedings where a petition was filed before the [November 13, 2018] effective date of the rule.").

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